

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 43839 of 2017

Arising Out of PS. Case No.-391 Year-2016 Thana- Chapra Town District- Saran

Jagpato Devi W/o Rooplal Rai, R/o Village- Rauza Pokhra, P.S.- Chapra Town, District- Saran, at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Adv.

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 08-11-2017 Heard Sri Rajeev Kumar, learned counsel for the petitioner and Sri Madan Kumar, learned Addl. Public Prosecutor.

This is the 2nd attempt for grant of anticipatory bail. Earlier, the petition for grant of anticipatory bail, vide Cr. Misc. No. 46119 of 2016, was rejected. While rejecting the prayer for anticipatory bail of the petitioner, by the same order i.e. order dated 23-11-2016, anticipatory bail petition of other three accused persons was also rejected. Normally, this Court is not at all entertaining second anticipatory bail petition, which appears to be reviewing of its earlier order. Successive bail petition is permissible while an accused is in custody and there is change of circumstances. Even in absence of change of circumstance, the successive bail petition is normally not entertained, which



has been approved by the Hon'ble Supreme Court in a case reported in **(2001) 7 Supreme Court Cases 673 (State of M.P. vs. Kajad)**. It would be appropriate to quote paragraph – 8 of the said judgment, which is as follows:-

“8. It has further to be noted that the factum of the rejection of his earlier bail application bearing Miscellaneous Case No. 2052 of 2000 on 5-6-2000 has not been denied by the respondent. It is true that successive bail applications are permissible under the changed circumstances. But without the change in the circumstances the second application would be deemed to be seeking review of the earlier judgment which is not permissible under criminal law as has been held by this Court in *Hari Singh Mann v. Harbhajan Singh Bajwa* and various other judgments.”

In this case, long back on 23-11-2016, anticipatory bail petition of the petitioner was rejected and again, the present petition has been filed with a prayer to extend the privilege of anticipatory bail.

Learned counsel for the petitioner tried to persuade the Court that other three accused persons have been granted regular bail.

The Court is of the opinion that once on merit, an



anticipatory bail petition is rejected, second anticipatory bail petition may not be entertained.

Accordingly, the present petition, which is second anticipatory bail petition, stands dismissed.

Before parting with the order, it is necessary to observe that since prayer for anticipatory bail of the petitioner was rejected in the year 2016, the concerned Superintendent of Police may examine as to under what circumstances, the accused-petitioner is still at large. The Superintendent of Police, Saran is directed to ensure appropriate action in the matter in accordance with law.

Let a copy of this order be sent to the concerned Superintendent of Police for its compliance.

With above observation and direction, the petition stands dismissed.

(Rakesh Kumar, J.)

anay

U		T	
---	--	---	--

